

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,899
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Appeal of)	
)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for Crisis Fuel Assistance. The issue is whether the Department's decision was consistent with the applicable regulations. Except as specifically indicated below, the essential facts are not in dispute.

FINDINGS OF FACT

1. The petitioner received regular supplemental fuel assistance for the winter of 1998-99. On December 7, 1998, after the close of regular business hours, she applied by phone for emergency (crisis) fuel assistance from her local Office of Economic Opportunity (OEO), which administers the crisis fuel program for the Department. This application was denied because the petitioner had an alternative heat source (an electric heater) sufficient to provide her with adequate heat at least until the next business day.

2. On December 8, 1998, the petitioner applied for and was granted 100 gallons of propane gas on an emergency basis. She was informed orally at the time of her application that she would have to provide verification of her family's income (i.e., paystubs from her husband's

employment) if she applied again for emergency fuel.

3. On January 7, 1999, the petitioner again applied for emergency fuel. The OEO office denied the application because the petitioner did not have verification of her husband's income. OEO maintains that it advised the petitioner she could reapply if and when she provided income verification.

4. On January 10, 1999, a Sunday, the petitioner applied by phone for after-hours emergency fuel and was granted 100 gallons of propane. The next day, OEO mailed her a notice that she had to complete a follow-up written application within seven days or else "you may jeopardize your receipt of future fuel assistance". The petitioner did not file a follow-up application and did not provide any verification of her income.

5. On February 19, 1999, the petitioner applied for emergency fuel assistance to help pay her electric bill but was denied because she still had not filed the necessary verification from her receipt of after-hours assistance in January. However, the petitioner was referred to the "Warmth Fund", which granted her an amount sufficient to keep her electricity turned on.

6. On March 8, 1999, the petitioner applied for emergency propane fuel and was denied for still having failed to provide the paperwork connected to her January after-hours assistance. Again, however, the petitioner was

referred to the Warmth Fund which granted her \$75 toward the purchase of propane along with \$75 the petitioner had left from her regular fuel assistance grant.

7. The petitioner filed an appeal of OEO's decision with the Department's Fuel Assistance director, who affirmed OEO's decision. At her fair hearing in this matter, held on April 7, 1999, the petitioner stated that she thought that her failure to provide verification of her income within 7 days of her receipt of after-hours fuel assistance in January meant that she could never apply again, whether or not she subsequently provided the requested information. The Department maintains that the petitioner was clearly told that she could provide the verification anytime prior to a subsequent application for emergency assistance. The petitioner concedes, however, that she was able to obtain emergency fuel and keep her electric bill paid through various programs and grants, and that she did not go without heat last winter.

8. As of the date of the hearing the petitioner still has not provided OEO or the Department with verification of her family's income.

ORDER

The Department 's decision is affirmed.

REASONS

Section 2951 of the Crisis Fuel Assistance regulations provides as follows:

It is not the intent of these regulations to define a program of entitlement; i.e., a household whose income and resources are within the specified limits and who has a fuel need does not become entitled to a grant, and indeed may be denied. It is the intent of this regulation to provide a framework within which staff, based on their judgment, may grant assistance to households who face a heating crisis.

In making this judgment staff will consider the individual situation; income, resources, prior applications, and what led to the crisis. Staff shall determine eligibility for crisis assistance based on whether there is an extenuating or unpredictable circumstance. An extenuating or unpredictable circumstance is defined as: death in the family which results in additional expenses to the applicant household; illness of a family member which results in the household incurring additional expenses; and unanticipated work-related expense necessary to preserve employment; extraordinary housing expenses which are required to remove life-threatening hazards or to keep the home habitable; or other unanticipated circumstances or occurrences which could not have been foreseen or prevented by the applicant household.

To make such a determination the department will complete a careful assessment of past income; uses made of income and resources; relative necessity of such uses including consideration of age, health, and other factors having impact on necessity; and adequacy of planning (past and future) to avoid such emergency.

Section 2952 includes the following:

Applicants, except elderly and disabled, who are granted off-hour assistance must agree to appear at the district or local office before assistance can be subsequently granted. All applicants must complete an application retroactively, and provide verification as required. Failure to do so may result in forfeiture of all rights to receive fuel assistance in the future as well as efforts on behalf of the department to recover assistance already granted, including recovery from any seasonal component benefits for which the household may be eligible.

In this case it must be concluded that OEO allowed the

petitioner extraordinary latitude in granting her application for crisis assistance on January 10, 1999. It was also clearly within the above regulations in denying the petitioner's applications on February 19 and March 8, especially in light of the fact that the petitioner was able to resolve her alleged fuel crises on these dates through other means. Therefore, it cannot be concluded that the petitioner is entitled to any relief from the Board at this time based on the above regulations.

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